

Introduced by Committee on Transportation and Housing (Senators Lowenthal (Chair), Ashburn, DeSaulnier, Harman, Huff, Kehoe, Oropeza, Pavley, and Simitian)

February 19, 2010

An act to repeal Section 14529.15 of the Government Code, to repeal Section 132352.6 of the Public Utilities Code, and to amend Sections 1808.1, 2800, 2804, 2813, 5201, 14611, 22452, 22511.55, 24400, 26100, 26101, 26505, 29004, and 34518 of, and to add Sections 667 and 34500.4 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1318, as introduced, Committee on Transportation and Housing. Vehicles: Department of Motor Vehicles: omnibus bill.

(1) Existing law imposes on the employer of a driver who drives one of several specified vehicles, including a vehicle for the operation of which the driver is required to have an ambulance driver certificate, as specified, several requirements related to the driver's public record. A violation of those requirements is a crime.

This bill would correct an erroneous cross-reference.

(2) Existing law prohibits a driver from operating a commercial motor vehicle for a period of 90 days, 180 days, one year, or 3 years if the person is convicted of a specified violation of an out-of-service order issued by an authorized employee of the Department of the California Highway Patrol or by a uniformed peace officer.

This bill would revise these provisions to include only out-of-service orders issued by an authorized employee of the Department of the California Highway Patrol or by an authorized enforcement officer, as defined.

(3) Existing law authorizes a member of the Department of the California Highway Patrol, upon reasonable belief that any vehicle is being operated in violation of any provisions of the Vehicle Code or is in such unsafe condition as to endanger any person, to require the driver of the vehicle to stop and submit to an inspection of the vehicle, and its equipment, license plates, and registration card. Existing law also requires the driver of a commercial vehicle to stop and submit the vehicle to an inspection of the size, weight, equipment, and smoke emissions of the vehicle at any location where members of the Department of the California Highway Patrol are conducting tests and inspections of commercial vehicles and when signs are displayed requiring the stop.

This bill would require a driver of a commercial motor vehicle who is stopped pursuant to the above provisions to present, upon demand, his or her driver's license and registration or cab card issued for the vehicle and to submit to a complete inspection of the driver and the commercial motor vehicle, including, but not limited to, the size, weight, equipment, smoke emissions, interior, cargo, license plates, and any other paper or document required by federal or state law to be in the driver's possession to determine compliance with commercial motor vehicle laws, rules and regulations.

(4) Existing law authorizes the Department of Motor Vehicles to establish requirements for equipment and devices to be used on any vehicle and defines the types of vehicles for this purpose. Existing law requires that license plates be securely fastened at all times to the vehicle for which they are issued so as to prevent the plates from swinging, be mounted in a position so as to be clearly visible, and be maintained in a condition so as to be clearly legible.

This bill would also require that license plates be parallel with the ground so that the characters are upright.

(5) Existing law authorizes a disabled person or disabled veteran to apply to the Department of Motor Vehicles for the issuance of a distinguishing placard that may be used in lieu of the special license plate or plates issued for parking in a disabled person's parking space, when the placard is suspended from the rearview mirror or, if there is no rearview mirror, when it is displayed on the dashboard of the vehicle.

This bill would also permit a distinguishing placard to be inserted into a clip designated for a distinguishing placard and installed by the manufacturer on the driver's side of the front window.

(6) Existing law requires the Department of the California Highway Patrol to regulate the safe operation of commercial motor vehicles, including, among other things, controlled substances and alcohol testing of drivers by motor carriers, hours of service of drivers, equipment, fuel containers, fueling operations, inspection, maintenance, recordkeeping, accident reports, and drawbridges.

This bill would require the department to adopt rules and regulations for driver qualification, criteria for vehicle equipment and maintenance, criteria for the transportation of hazardous materials or dangerous goods, and criteria for motor carriers operating specified motor vehicles that are consistent with the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria and for transporting hazardous materials, dangerous goods, and hazardous substances that are consistent with federal regulations, as those regulations now exist or are amended in the future.

(7) Existing law defines various terms for the purposes of the Vehicle Code.

This bill would define “utility trailer” for these purposes and would make other technical and conforming changes.

(8) Under existing law, with certain exceptions, a violation of the Vehicle Code is a crime.

Because this bill would change the definition of an existing crime, the bill would impose a state-mandated local program.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14529.15 of the Government Code is
2 repealed.

3 ~~14529.15.—(a) The commission shall make a report to the~~
4 ~~Legislature on or before February 1, 1999, and on or before~~
5 ~~February 1, 2001, assessing the relative success of the provisions~~
6 ~~of Senate Bill 45, as enacted during the 1997–98 Regular Session,~~
7 ~~in achieving the Legislature’s intent for reform of the state~~

1 ~~transportation improvement program, and assessing program~~
2 ~~delivery, expenditure of funds at both regional and statewide levels,~~
3 ~~and program performance.~~

4 ~~(b) The Legislature intends that the 1998 State Transportation~~
5 ~~Improvement Program conform with the requirements of Senate~~
6 ~~Bill 45, as enacted during the 1997–98 Regular Session, to the~~
7 ~~maximum degree feasible, taking into account the limited time~~
8 ~~allowed between enactment of that bill and adoption of that~~
9 ~~program. The commission shall comply fully with all procedures~~
10 ~~and requirements of Senate Bill 45, as enacted during the 1997–98~~
11 ~~Regular Session, in the preparation and adoption of the subsequent~~
12 ~~state transportation improvement programs.~~

13 ~~(c) The 1998 State Transportation Improvement Program shall~~
14 ~~cover a period of six years as a transition into a four-year~~
15 ~~programming period.~~

16 SEC. 2. Section 132352.6 of the Public Utilities Code is
17 repealed.

18 ~~132352.6. (a) The consolidated agency shall submit a report~~
19 ~~to the Governor and Legislature by December 31 of even-numbered~~
20 ~~years beginning in 2004, regarding progress in carrying out the~~
21 ~~provisions of this act.~~

22 ~~(b) On December 31, 2005, the Legislative Analyst's Office~~
23 ~~(LAO) shall submit a report to the Governor and the Legislature~~
24 ~~which shall evaluate and make recommendations on the~~
25 ~~consolidated agency in the following areas:~~

26 ~~(1) The effectiveness of the current governance structure within~~
27 ~~the region, including, but not limited to, public participation,~~
28 ~~accountability, proportional representation and to examine various~~
29 ~~alternative governance structures.~~

30 ~~(2) The effectiveness in addressing the transportation needs of~~
31 ~~the region, including coordination and efficiencies in transportation~~
32 ~~planning and implementation as a result of the consolidation.~~

33 ~~(3) The effectiveness of addressing quality of life indicators,~~
34 ~~including, but not limited to, land use patterns, a viable and~~
35 ~~sustainable economy, affordable public transportation, affordable~~
36 ~~housing, transportation mobility options, air and water quality,~~
37 ~~and open space and natural habitat preservation, including, but not~~
38 ~~limited to, the agency created by the act, and the county board of~~
39 ~~supervisors.~~

1 ~~(4) The adequacy of the scope and authority for regional~~
2 ~~decisionmaking.~~

3 ~~(e) The consolidated agency shall pay for the costs of the study~~
4 ~~which shall be capped at an amount not to exceed one hundred~~
5 ~~fifty thousand dollars (\$150,000).~~

6 ~~(d) (1) After the Legislative Analyst's report has been submitted~~
7 ~~to the Governor and the Legislature as required by subdivision (b);~~
8 ~~if legislation is enacted that makes a change in the governance~~
9 ~~structure or the scope of the authority and responsibility of the~~
10 ~~consolidated agency, the change shall be submitted for approval~~
11 ~~at a regularly scheduled election to the voters residing within the~~
12 ~~jurisdiction of the consolidated agency prior to the implementation~~
13 ~~of those changes.~~

14 ~~(2) To provide opportunity for full regional public participation~~
15 ~~in any change made according to paragraph (1), the consolidated~~
16 ~~agency should convene regional working groups and take other~~
17 ~~steps that will allow for the greatest level of regionwide input from~~
18 ~~all segments of San Diego County and all interested groups and~~
19 ~~organizations.~~

20 ~~(3) This subdivision shall apply to legislation that specifically~~
21 ~~references this subdivision and shall remain in effect until the~~
22 ~~election required pursuant to paragraph (1) has occurred. After the~~
23 ~~election has occurred, this subdivision shall become inoperative.~~

24 SEC. 3. Section 667 is added to the Vehicle Code, to read:

25 667. (a) A "utility trailer" is a trailer or semitrailer used solely
26 for the transportation of the user's personal property, not in
27 commerce, which does not exceed a gross weight of 10,000 pounds
28 or a manufacturer's gross vehicle weight rating of 10,000 pounds.

29 (b) Notwithstanding subdivision (a), a "utility trailer" includes
30 a trailer or semitrailer designed and used for the transportation of
31 livestock, not in commerce, which does not exceed a gross weight
32 of 10,000 pounds or a manufacturer's gross vehicle weight rating
33 of 10,000 pounds.

34 SEC. 4. Section 1808.1 of the Vehicle Code is amended to
35 read:

36 1808.1. (a) The prospective employer of a driver who drives
37 a vehicle specified in subdivision (k) shall obtain a report showing
38 the driver's current public record as recorded by the department.
39 For purposes of this subdivision, a report is current if it was issued
40 less than 30 days prior to the date the employer employs the driver.

1 The report shall be reviewed, signed, and dated by the employer
2 and maintained at the employer's place of business until receipt
3 of the pull-notice system report pursuant to subdivisions (b) and
4 (c). These reports shall be presented upon request to an authorized
5 representative of the Department of the California Highway Patrol
6 during regular business hours.

7 (b) The employer of a driver who drives a vehicle specified in
8 subdivision (k) shall participate in a pull-notice system, which is
9 a process for the purpose of providing the employer with a report
10 showing the driver's current public record as recorded by the
11 department, and any subsequent convictions, failures to appear,
12 accidents, driver's license suspensions, driver's license revocations,
13 or any other actions taken against the driving privilege or
14 certificate, added to the driver's record while the employer's
15 notification request remains valid and uncanceled. As used in this
16 section, participation in the pull-notice system means obtaining a
17 requester code and enrolling all employed drivers who drive a
18 vehicle specified in subdivision (k) under that requester code.

19 (c) The employer of a driver of a vehicle specified in subdivision
20 (k) shall, additionally, obtain a periodic report from the department
21 at least every 12 months. The employer shall verify that each
22 employee's driver's license has not been suspended or revoked,
23 the employee's traffic violation point count, and whether the
24 employee has been convicted of a violation of Section 23152 or
25 23153. The report shall be signed and dated by the employer and
26 maintained at the employer's principal place of business. The
27 report shall be presented upon demand to an authorized
28 representative of the Department of the California Highway Patrol
29 during regular business hours.

30 (d) Upon the termination of a driver's employment, the employer
31 shall notify the department to discontinue the driver's enrollment
32 in the pull-notice system.

33 (e) For the purposes of the pull-notice system and periodic report
34 process required by subdivisions (b) and (c), an owner, other than
35 an owner-operator as defined in Section 34624, and an employer
36 who drives a vehicle described in subdivision (k) shall be enrolled
37 as if he or she were an employee. A family member and a volunteer
38 driver who drives a vehicle described in subdivision (k) shall also
39 be enrolled as if he or she were an employee.

1 (f) An employer who, after receiving a driving record pursuant
2 to this section, employs or continues to employ as a driver a person
3 against whom a disqualifying action has been taken regarding his
4 or her driving privilege or required driver's certificate, is guilty of
5 a public offense, and upon conviction thereof, shall be punished
6 by confinement in a county jail for not more than six months, by
7 a fine of not more than one thousand dollars (\$1,000), or by both
8 that confinement and fine.

9 (g) As part of its inspection of bus maintenance facilities and
10 terminals required at least once every 13 months pursuant to
11 subdivision (c) of Section 34501, the Department of the California
12 Highway Patrol shall determine whether each transit operator, as
13 defined in Section 99210 of the Public Utilities Code, is then in
14 compliance with this section and Section 12804.6, and shall certify
15 each operator found to be in compliance. Funds shall not be
16 allocated pursuant to Chapter 4 (commencing with Section 99200)
17 of Part 11 of Division 10 of the Public Utilities Code to a transit
18 operator that the Department of the California Highway Patrol has
19 not certified pursuant to this section.

20 (h) A request to participate in the pull-notice system established
21 by this section shall be accompanied by a fee determined by the
22 department to be sufficient to defray the entire actual cost to the
23 department for the notification service. For the receipt of
24 subsequent reports, the employer shall also be charged a fee
25 established by the department pursuant to Section 1811. An
26 employer ~~who~~ that qualifies pursuant to Section 1812 shall be
27 exempt from any fee required pursuant to this section. Failure to
28 pay the fee shall result in automatic cancellation of the employer's
29 participation in the notification services.

30 (i) The department, as soon as feasible, may establish an
31 automatic procedure to provide the periodic reports to an employer
32 by mail or via an electronic delivery method, as required by
33 subdivision (c), on a regular basis without the need for individual
34 requests.

35 (j) (1) The employer of a driver who is employed as a casual
36 driver is not required to enter that driver's name in the pull-notice
37 system, as otherwise required by subdivision (a). However, the
38 employer of a casual driver shall be in possession of a report of
39 the driver's current public record as recorded by the department,
40 prior to allowing a casual driver to drive a vehicle specified in

1 subdivision (k). A report is current if it was issued less than six
2 months prior to the date the employer employs the driver.

3 (2) For ~~the~~ purposes of this subdivision, a driver is employed
4 as a casual driver when the employer has employed the driver less
5 than 30 days during the preceding six months. “Casual driver”
6 does not include a driver who operates a vehicle that requires a
7 passenger transportation endorsement.

8 (k) This section applies to a vehicle for the operation of which
9 the driver is required to have a class A or class B driver’s license,
10 a class C license with a hazardous materials endorsement, a class
11 C license issued pursuant to Section 12814.7, or a certificate issued
12 pursuant to Section ~~2512~~, 12517, 12519, 12520, 12523, ~~or~~ 12523.5,
13 ~~or~~ 12527, or a passenger vehicle having a seating capacity of not
14 more than 10 persons, including the driver, operated for
15 compensation by a charter-party carrier of passengers or passenger
16 stage corporation pursuant to a certificate of public convenience
17 and necessity or a permit issued by the Public Utilities
18 Commission.

19 (l) This section shall not be construed to change the definition
20 of “employer,” “employee,” or “independent contractor” for any
21 purpose.

22 (m) A motor carrier who contracts with a person to drive a
23 vehicle described in subdivision (k) that is owned by, or leased to,
24 that motor carrier, shall be subject to subdivisions (a), (b), (c), (d),
25 (f), (j), (k), and (l) and the employer obligations in those
26 subdivisions.

27 SEC. 5. Section 2800 of the Vehicle Code is amended to read:

28 2800. (a) It is unlawful to willfully fail or refuse to comply
29 with a lawful order, signal, or direction of a peace officer, as
30 defined in Chapter 4.5 (commencing with Section 830) of Title 3
31 of Part 2 of the Penal Code, when that peace officer is in uniform
32 and is performing duties pursuant to any of the provisions of this
33 code, or to refuse to submit to a lawful inspection pursuant to this
34 code.

35 (b) Except as authorized pursuant to Section 24004, it is
36 unlawful to fail or refuse to comply with a lawful out-of-service
37 order issued by an authorized employee of the Department of the
38 California Highway Patrol or by ~~a uniformed peace officer, as~~
39 ~~defined in Chapter 4.5 (commencing with Section 830) of Title 3~~
40 ~~of Part 2 of the Penal Code, when that peace officer or authorized~~

1 ~~employee is performing duties pursuant to any provision of this~~
2 ~~code and the out-of-service order complies with Section 395.13~~
3 ~~or 396.9 of Title 49 of the Code of Federal Regulations an~~
4 ~~authorized enforcement officer as described in subdivision (d).~~

5 (c) It is unlawful to fail or refuse to comply with a lawful
6 out-of-service order issued by the United States Secretary of the
7 Department of Transportation.

8 ~~(d) It is unlawful to fail or refuse to comply with a lawful~~
9 ~~out-of-service order issued by a peace officer or commercial vehicle~~
10 ~~inspector, of any state, any Province of Canada, or the Federal~~
11 ~~Government of the United States, Canada, or Mexico, when that~~
12 ~~peace officer or commercial vehicle inspector is in uniform and is~~
13 ~~performing duties under any provisions of state, provincial, federal,~~
14 ~~or Mexican law and the out-of-service order complies with Section~~
15 ~~395.13 or 396.9 of Title 49 of the Code of Federal Regulations.~~

16 (d) “Out-of-Service order” means a declaration by an
17 authorized enforcement officer of a federal, state, Canadian,
18 Mexican, or local jurisdiction that a driver, a commercial motor
19 vehicle, or a motor carrier operation is out-of-service pursuant to
20 Sections 386.72, 392.5, 392.9a, 395.13, or 396.9 of Title 49 of the
21 Code of Federal Regulations, state law, or the North American
22 Standard Out-of-Service Criteria.

23 SEC. 6. Section 2804 of the Vehicle Code is amended to read:

24 2804. (a) A member of the California Highway Patrol upon
25 reasonable belief that ~~any~~ a vehicle is being operated in violation
26 of any provisions of this code or is in ~~such an~~ unsafe condition ~~as~~
27 ~~to that will endanger any~~ a person, may require the driver of the
28 vehicle to stop and submit to an inspection of the vehicle, and its
29 equipment, license plates, and registration card.

30 (b) A driver of a commercial motor vehicle stopped pursuant
31 to subdivision (a), shall, upon demand, present his or her driver’s
32 license and registration or cab card issued for the vehicle and
33 shall submit to a complete inspection of the driver and the
34 commercial motor vehicle, including, but not limited to, the size,
35 weight, equipment, smoke emissions, interior, cargo, license plates,
36 and any other paper or document required by federal or state law
37 to be in the driver’s possession to determine compliance with
38 commercial motor vehicle laws, rules, and regulations.

39 SEC. 7. Section 2813 of the Vehicle Code is amended to read:

1 2813. ~~Every~~(a) A driver of a commercial vehicle shall stop
2 ~~and submit the vehicle to an inspection of the size, weight,~~
3 ~~equipment, and smoke emissions of the vehicle at any~~ a location
4 where members of the California Highway Patrol are conducting
5 tests and inspections of commercial vehicles and when signs are
6 displayed requiring the stop. ~~Every~~

7 (b) *A driver of a commercial motor vehicle stopped pursuant*
8 *to subdivision (a), shall, upon demand, present his or her driver's*
9 *license and registration or cab card issued for the vehicle and*
10 *shall submit to a complete inspection of the driver and the*
11 *commercial motor vehicle, including, but not limited to, the size,*
12 *weight, equipment, smoke emissions, interior, cargo, license plates,*
13 *and any other paper or document required by federal or state law*
14 *to be in the driver's possession to determine compliance with*
15 *commercial motor vehicle laws, rules, and regulations. A driver*
16 *who fails or refuses to stop and submit the vehicle to an inspection*
17 *when signs are displayed requiring that stop is guilty of a*
18 *misdemeanor.*

19 SEC. 8. Section 5201 of the Vehicle Code is amended to read:

20 5201. License plates shall at all times be securely fastened to
21 the vehicle for which they are issued so as to prevent the plates
22 from swinging, shall be mounted in a position so as to be clearly
23 visible, *parallel with the ground so that the characters are upright,*
24 and shall be maintained in a condition so as to be clearly legible.
25 The rear license plate shall be mounted not less than 12 inches nor
26 more than 60 inches from the ground, and the front license plate
27 shall be mounted not more than 60 inches from the ground, except
28 as follows:

29 (a) The rear license plate on a tow truck or reposessor's tow
30 vehicle may be mounted on the left-hand side of the mast assembly
31 at the rear of the cab of the vehicle, not less than 12 inches nor
32 more than 90 inches from the ground.

33 (b) The rear license plate on a tank vehicle hauling hazardous
34 waste, as defined in Section 25117 of the Health and Safety Code,
35 or asphalt material may be mounted not less than 12 inches nor
36 more than 90 inches from the ground.

37 (c) The rear license plate on a truck tractor may be mounted at
38 the rear of the cab of the vehicle, but not less than 12 inches nor
39 more than 90 inches from the ground.

1 (d) The rear license plate of a vehicle designed by the
2 manufacturer for the collection and transportation of garbage,
3 rubbish, or refuse that is used regularly for the collection and
4 transportation of that material by ~~any~~ a person or governmental
5 entity employed to collect, transport, and dispose of garbage,
6 rubbish, or refuse may be mounted not less than 12 inches nor
7 more than 90 inches from the ground.

8 (e) The rear license plate on a two-axle livestock trailer may be
9 mounted 12 inches or more, but not more than 90 inches, from the
10 ground.

11 (f) A covering shall not be used on license plates except as
12 follows:

13 (1) The installation of a cover over a lawfully parked vehicle
14 to protect it from the weather and the elements does not constitute
15 a violation of this subdivision. ~~Any~~ A peace officer or other
16 regularly salaried employee of a public agency designated to
17 enforce laws, including local ordinances, relating to the parking
18 of vehicles may temporarily remove so much of the cover as is
19 necessary to inspect any license plate, tab, or indicia of registration
20 on a vehicle.

21 (2) The installation of a license plate security cover is not a
22 violation of this subdivision if the device does not obstruct or
23 impair the recognition of the license plate information, including,
24 but not limited to, the issuing state, license plate number, and
25 registration tabs, and the cover is limited to the area directly over
26 the top of the registration tabs. No portion of a license plate security
27 cover shall rest over the license plate number.

28 (g) A casing, shield, frame, border, product, or other device that
29 obstructs or impairs the reading or recognition of a license plate
30 by an electronic device operated by state or local law enforcement,
31 an electronic device operated in connection with a toll road,
32 high-occupancy toll lane, toll bridge, or other toll facility, or a
33 remote emission sensing device, as specified in Sections 44081
34 and 44081.6 of the Health and Safety Code, shall not be installed
35 on, or affixed to, a vehicle.

36 (h) (1) It is the intent of the Legislature that an accommodation
37 be made to persons with disabilities and to those persons who
38 regularly transport persons with disabilities, to allow the removal
39 and relocation of wheelchair lifts and wheelchair carriers without
40 the necessity of removing and reattaching the vehicle's rear license

1 plate. Therefore, it is not a violation of this section if the reading
2 or recognition of a rear license plate is obstructed or impaired by
3 a wheelchair lift or wheelchair carrier and all of the following
4 requirements are met:

5 (A) The owner of the vehicle has been issued a special
6 identification license plate pursuant to Section 5007, or the person
7 using the wheelchair that is carried on the vehicle has been issued
8 a distinguishing placard under Section 22511.55.

9 (B) (i) The operator of the vehicle displays a decal, designed
10 and issued by the department, that contains the license plate number
11 assigned to the vehicle transporting the wheelchair.

12 (ii) The decal is displayed on the rear window of the vehicle,
13 in a location determined by the department, in consultation with
14 the Department of the California Highway Patrol, so as to be clearly
15 visible to law enforcement.

16 (2) Notwithstanding any other ~~provision of~~ law, if a decal is
17 displayed pursuant to this subdivision, the requirements of this
18 code that require the illumination of the license plate and the
19 license plate number do not apply.

20 (3) The department shall adopt regulations governing the
21 procedures for accepting and approving applications for decals,
22 and issuing decals, authorized by this subdivision.

23 (4) This subdivision does not apply to a front license plate.

24 SEC. 9. Section 14611 of the Vehicle Code is amended to read:

25 14611. ~~No~~ ~~(a)~~ A person shall *not* knowingly direct the
26 operation of a vehicle transporting ~~fissile class III shipments or~~
27 ~~large quantity~~ *a highway route controlled quantity of Class 7*
28 *radioactive materials, as defined in Section 173.389 173.403 of*
29 *Title 49 of the Code of Federal Regulations, by an individual a*
30 *person* who does not possess a *training certificate pursuant to*
31 *subdivision (b) of Section 12524 and a valid driver's license of*
32 *the appropriate class with a radioactive materials driver's certificate*
33 ~~authorizing that transportation attached to the license.~~

34 **A**

35 (b) A person convicted under this section shall be punished by
36 a fine of not less than five thousand dollars (\$5,000) nor more than
37 ten thousand dollars (\$10,000).

38 SEC. 10. Section 22452 of the Vehicle Code is amended to
39 read:

22452. (a) Subdivisions (b) and (d) apply to the operation of the following vehicles:

(1) A bus or farm labor vehicle carrying passengers.

(2) A motortruck transporting employees in addition to those riding in the cab.

(3) A schoolbus and a school pupil activity bus transporting school pupils, except as otherwise provided in paragraph (4) of subdivision ~~(e)~~ (d).

(4) A commercial motor vehicle transporting any quantity of a Division 2.3 chlorine, as classified by Title 49 of the Code of Federal Regulations.

(5) A commercial motor vehicle that is required to be marked or placarded in accordance with the regulations of Title 49 of the Code of Federal Regulations with one of the following federal classifications:

(A) Division 1.1.

(B) Division 1.2, or Division 1.3.

(C) Division 2.3 Poison gas.

(D) Division 4.3.

(E) Class 7.

(F) Class 3 Flammable.

(G) Division 5.1.

(H) Division 2.2.

(I) Division 2.3 Chlorine.

(J) Division 6.1 Poison.

(K) Division 2.2 Oxygen.

(L) Division 2.1.

(M) Class 3 Combustible liquid.

(N) Division 4.1.

(O) Division 5.1.

(P) Division 5.2.

(Q) Class 8.

(R) Class Division 1.4.

(S) A cargo tank motor vehicle, whether loaded or empty, used for the transportation of ~~any~~ a hazardous material, as defined in Parts 107 to 180, inclusive, of Title 49 of the Code of Federal Regulations.

(6) A cargo tank motor vehicle transporting a commodity that at the time of loading has a temperature above its flashpoint, as

1 determined under Section 173.120 of Title 49 of the Code of
2 Federal Regulations.

3 (7) A cargo tank motor vehicle, whether loaded or empty,
4 transporting ~~any~~ a commodity under exemption in accordance with
5 Subpart B of Part 107 of Title 49 of the Code of Federal
6 Regulations.

7 (b) Before traversing a railroad grade crossing, the driver of a
8 vehicle described in subdivision (a) shall stop that vehicle not less
9 than 15 nor more than 50 feet from the nearest rail of the track and
10 while so stopped shall listen, and look in both directions along the
11 track, for an approaching train and for signals indicating the
12 approach of a train, and shall not proceed until he or she can do
13 so safely. Upon proceeding, the gears shall not be shifted manually
14 while crossing the tracks.

15 (c) The driver of a commercial motor vehicle, other than those
16 listed in subdivision (a), upon approaching a railroad grade
17 crossing, shall be driven at a rate of speed that allows the
18 commercial vehicle to stop before reaching the nearest rail of that
19 crossing, and shall not be driven upon, or over, the crossing until
20 due caution is taken to ascertain that the course is clear.

21 (d) A stop need not be made at a crossing in the following
22 circumstances:

23 (1) Of railroad tracks running along and upon the roadway
24 within a business or residence district.

25 (2) Where a traffic officer or an official traffic control signal
26 directs traffic to proceed.

27 (3) Where an exempt sign was authorized by the Public Utilities
28 Commission prior to January 1, 1978.

29 (4) Where an official railroad crossing stop exempt sign in
30 compliance with Section 21400 has been placed by the Department
31 of Transportation or a local authority pursuant to Section 22452.5.
32 This paragraph does not apply with respect to ~~any~~ a schoolbus or
33 to ~~any~~ a school pupil activity bus *as defined in paragraph (3) of*
34 *subdivision (a)*.

35 SEC. 11. Section 22511.55 of the Vehicle Code is amended to
36 read:

37 22511.55. (a) (1) A disabled person or disabled veteran may
38 apply to the department for the issuance of a distinguishing placard.
39 The placard may be used in lieu of the special license plate or
40 plates issued under Section 5007 for parking purposes described

1 in Section 22511.5 when (A) suspended from the rearview mirror
2 or, (B) if there is no rearview mirror, when displayed on the
3 dashboard of a vehicle, or (C) *inserted in a clip designated for a*
4 *distinguishing placard and installed by the manufacturer on the*
5 *driver's side of the front window.* It is the intent of the Legislature
6 to encourage the use of these distinguishing placards because they
7 provide law enforcement officers with a more readily recognizable
8 symbol for distinguishing vehicles qualified for the parking
9 privilege. The placard shall be the size, shape, and color determined
10 by the department and shall bear the International Symbol of
11 Access adopted pursuant to Section 3 of Public Law 100-641,
12 commonly known as the "wheelchair symbol." The department
13 shall incorporate instructions for the lawful use of a placard, and
14 a summary of the penalties for the unlawful use of a placard, into
15 the identification card issued to the placard owner.

16 (2) (A) The department may establish procedures for the
17 issuance and renewal of the placards. The placards shall have a
18 fixed expiration date of June 30 every two years. A portion of the
19 placard shall be printed in a contrasting color that shall be changed
20 every two years. The size and color of this contrasting portion of
21 the placard shall be large and distinctive enough to be readily
22 identifiable by a law enforcement officer in a passing vehicle.

23 (B) As used in this section, "year" means the period between
24 the inclusive dates of July 1 through June 30.

25 (C) Prior to the end of each year, the department shall, for the
26 most current three years available, compare its record of disability
27 placards issued against the records of the Bureau of Vital Statistics
28 of the State Department of Health Care Services, or its successor,
29 and withhold any renewal notices that otherwise would have been
30 sent, for a placardholder identified as deceased.

31 (3) Except as provided in paragraph (4), a person ~~is~~ *shall* not
32 *be* eligible for more than one placard at a time.

33 (4) Organizations and agencies involved in the transportation
34 of disabled persons or disabled veterans may apply for a placard
35 for each vehicle used for the purpose of transporting disabled
36 persons or disabled veterans.

37 (b) (1) Prior to issuing an original distinguishing placard to a
38 disabled person or disabled veteran, the department shall require
39 the submission of a certificate, in accordance with paragraph (2),
40 signed by the physician and surgeon, or to the extent that it does

1 not cause a reduction in the receipt of federal aid highway funds,
2 by a nurse practitioner, certified nurse midwife, or physician
3 assistant, substantiating the disability, unless the applicant's
4 disability is readily observable and uncontested. The disability of
5 a person who has lost, or has lost use of, one or more lower
6 extremities or one hand, for a disabled veteran, or both hands, for
7 a disabled person, or who has significant limitation in the use of
8 lower extremities, may also be certified by a licensed chiropractor.
9 The blindness of an applicant shall be certified by a licensed
10 physician and surgeon who specializes in diseases of the eye or a
11 licensed optometrist. The physician and surgeon, nurse practitioner,
12 certified nurse midwife, physician assistant, chiropractor, or
13 optometrist certifying the qualifying disability shall provide a full
14 description of the illness or disability on the form submitted to the
15 department.

16 (2) The physician and surgeon, nurse practitioner, certified nurse
17 midwife, physician assistant, chiropractor, or optometrist who
18 signs a certificate submitted under this subdivision shall retain
19 information sufficient to substantiate that certificate and, upon
20 request of the department, shall make that information available
21 for inspection by the Medical Board of California or the appropriate
22 regulatory board.

23 (3) The department shall maintain in its records all information
24 on an applicant's certification of permanent disability and shall
25 make that information available to eligible law enforcement or
26 parking control agencies upon a request pursuant to Section
27 22511.58.

28 (c) A person who is issued a distinguishing placard pursuant to
29 subdivision (a) may apply to the department for a substitute placard
30 without recertification of eligibility, if that placard is lost or stolen.

31 (d) The distinguishing placard shall be returned to the
32 department not later than 60 days after the death of the disabled
33 person or disabled veteran to whom the placard was issued.

34 (e) The department shall print on any distinguishing placard
35 issued on or after January 1, 2005, the maximum penalty that may
36 be imposed for a violation of Section 4461. For the purposes of
37 this subdivision, the "maximum penalty" is the amount derived
38 from adding all of the following:

39 (1) The maximum fine that may be imposed under Section 4461.

(2) The penalty required to be imposed under Section 70372 of the Government Code.

(3) The penalty required to be levied under Section 76000 of the Government Code.

(4) The penalty required to be levied under Section 1464 of the Penal Code.

(5) The surcharge required to be levied under Section 1465.7 of the Penal Code.

(6) The penalty authorized to be imposed under Section 4461.3.

SEC. 12. Section 24400 of the Vehicle Code is amended to read:

24400. (a) A motor vehicle, other than a motorcycle, shall be equipped ~~be equipped~~ with at least two headlamps, with at least one on each side of the front of the vehicle, and, except as to vehicles registered prior to January 1, 1930, they shall be located directly above or in advance of the front axle of the vehicle. The headlamps and every light source in any headlamp unit shall be located at a height of not more than 54 inches nor less than 22 inches.

~~(2) Operated~~

(b) A motor vehicle, other than a motorcycle, shall be operated during darkness, or inclement weather, or both, with at least two lighted headlamps that comply with ~~paragraph (1)~~ subdivision (a).

~~(b)~~

(c) As used in ~~paragraph (2) of subdivision (a)~~; subdivision (b), “inclement weather” is a weather condition that is either of the following:

(1) A condition that prevents a driver of a motor vehicle from clearly discerning a person or another motor vehicle on the highway from a distance of 1,000 feet.

(2) A condition requiring the windshield wipers to be in continuous use due to rain, mist, snow, fog, or other precipitation or atmospheric moisture.

SEC. 13. Section 26100 of the Vehicle Code is amended to read:

26100. ~~No~~ (a) A person shall *not* sell or offer for sale for use upon or as part of the equipment of a vehicle, ~~nor shall any person use upon a vehicle~~, any lighting equipment, safety glazing material, or other device that does not meet the provisions of Section 26104.

1 This section does not apply to a taillamp or stop lamp in use on or
2 prior to December 1, 1935.

3 (b) A person shall not use upon a vehicle, and a person shall
4 not drive a vehicle upon a highway that is equipped with, any
5 lighting equipment, safety glazing material, or other device that
6 is not in compliance with Section 26104.

7 (c) This section does not apply to a taillamp or stop lamp in use
8 on or prior to December 1, 1935.

9 SEC. 14. Section 26101 of the Vehicle Code is amended to
10 read:

11 26101. ~~No~~ (a) A person shall not sell or offer for sale for use
12 upon or as part of the equipment of a vehicle, ~~nor shall any person~~
13 ~~use upon a vehicle,~~ any device that is intended to modify the
14 original design or performance of any lighting equipment, safety
15 glazing material, or other device, unless the modifying device
16 meets the provisions of Section 26104. ~~This section does not apply~~
17 ~~to a taillamp or stop lamp in use on or prior to December 1, 1935,~~
18 ~~or to lamps installed on authorized emergency vehicles.~~

19 (b) A person shall not use upon a vehicle, and a person shall
20 not drive a vehicle upon a highway that has installed a device that
21 is intended to modify the original design or performance of a
22 lighting, safety glazing material, or other device, unless the
23 modifying device complies with Section 26104.

24 (c) This section does not apply to a taillamp or stop lamp in use
25 on or prior to December 1, 1935, or to lamps installed on
26 authorized emergency vehicles.

27 SEC. 15. Section 26505 of the Vehicle Code is amended to
28 read:

29 26505. ~~Every~~ A motor vehicle equipped with airbrakes or
30 equipped to operate airbrakes on towed vehicles shall be equipped
31 with a pressure gauge of reliable and satisfactory construction and
32 maintained in an efficient working condition, accurate within 10
33 percent of the actual air reservoir pressure, and visible and legible
34 to the driver ~~at all times~~.

35 SEC. 16. Section 29004 of the Vehicle Code is amended to
36 read:

37 29004. (a) (1) Except as required under paragraph (2), ~~every~~
38 a towed vehicle shall be coupled to the towing vehicle by means
39 of a safety chain, cable, or equivalent device in addition to the
40 regular drawbar, tongue, or other connection.

1 (2) ~~Any~~ A vehicle towed by a tow truck shall be coupled to the
2 tow truck by means of at least two safety chains in addition to the
3 primary restraining system. The safety chains shall be securely
4 affixed to the truck frame, bed, or towing equipment, independent
5 of the towing sling, wheel lift, or under-reach towing equipment.

6 (3) ~~Any~~ A vehicle transported on a slide back carrier or
7 conventional trailer shall be secured by at least four tiedown chains,
8 straps, or an equivalent device, independent of the winch or loading
9 cable. This subdivision ~~shall~~ *does* not apply to vehicle bodies that
10 are being transported in compliance with ~~Sections 1340 to 1344,~~
11 ~~inclusive, of Title 13 of the California Code of Regulations Sections~~
12 ~~393.100 to 393.136, inclusive, of Title 49 of the Code of Federal~~
13 ~~Regulations.~~

14 (b) All safety connections and attachments shall be of sufficient
15 strength to control the towed vehicle in the event of failure of the
16 regular hitch, coupling device, drawbar, tongue, or other
17 connection. All safety connections and attachments also shall have
18 a positive means of ensuring that the safety connection or
19 attachment does not become dislodged while in transit.

20 (c) No more slack may be left in a safety chain, cable, or
21 equivalent device than is necessary to permit proper turning. When
22 a drawbar is used as the towing connection, the safety chain, cable,
23 or equivalent device shall be connected to the towed and towing
24 vehicle and to the drawbar so as to prevent the drawbar from
25 dropping to the ground if the drawbar fails.

26 (d) ~~Subdivision Paragraphs (1) and (2) of subdivision (a) does~~
27 ~~do not apply to a semitrailer having a connecting device composed~~
28 ~~of a fifth wheel and kingpin assembly, and it does do not apply to~~
29 ~~a towed motor vehicle when steered by a person who holds a~~
30 ~~license for the type of vehicle being towed.~~

31 (e) For purposes of this section, a “tow truck” includes both of
32 the following:

33 (1) A reposessor’s tow vehicle, as defined in subdivision (b)
34 of Section 615.

35 (2) An automobile dismantler’s tow vehicle, as defined in
36 subdivision (c) of Section 615.

37 (f) ~~Vehicles~~ A vehicle towed by a reposessor’s tow vehicle, as
38 defined in subdivision (b) of Section 615, ~~are~~ *is* exempt from the
39 multisafety chain requirement of paragraph (2) of subdivision (a)

1 so long as the vehicle is not towed more than one mile on a public
2 highway and is secured by one safety chain.

3 SEC. 17. Section 34500.4 is added to the Vehicle Code, to
4 read:

5 34500.4. (a) The department shall adopt rules and regulations
6 that are designed to promote the safe operation of vehicles
7 regarding criteria for driver qualification, criteria for vehicle
8 equipment and maintenance, criteria for the transportation of
9 hazardous materials or dangerous goods, and criteria for motor
10 carriers operating a motor vehicle, as described in Section 34500.
11 The regulations shall be consistent with the Commercial Vehicle
12 Safety Alliance North American Standard Out-of-Service Criteria,
13 as those criteria now exist or are amended in the future.

14 (b) The department shall adopt rules and regulations that are
15 designed to promote the safe operation of vehicles transporting
16 hazardous materials, dangerous goods, and hazardous substances.
17 The regulations shall be consistent with Subchapter A
18 (commencing with Part 105) and Subchapter C (commencing with
19 Part 171) of Title 49 of the Code of Federal Regulations, as those
20 regulations now exist or are amended in the future.

21 SEC. 18. Section 34518 of the Vehicle Code is amended to
22 read:

23 34518. (a) A foreign motor carrier or foreign private motor
24 carrier required to have a certificate of registration issued by the
25 United States Secretary of the Department of Transportation
26 pursuant to Part 368 (commencing with Section 368.1), *or required*
27 *to be registered pursuant to Part 365 (commencing with Section*
28 *365.101)*, of Title 49 of the Code of Federal Regulations shall not
29 do any of the following:

30 (1) Operate in this state without the required certificate in the
31 vehicle.

32 (2) Operate beyond the limitations or restrictions specified in
33 the certificate as issued.

34 (3) Refuse to show the certificate upon request of a peace officer.

35 (4) Provide point-to-point transportation services, including
36 express delivery services, within the United States for goods other
37 than international cargo.

38 (b) A motor carrier required to be registered with the United
39 States Secretary of the Department of Transportation pursuant to
40 Section 13902 of Title 49 of the United States Code ~~or, Part 365~~

(commencing with Section 365.101), Part 390 (commencing with Section 390.1), or Section 392.9a of Title 49 of the Code of Federal Regulations shall not do any of the following:

(1) Operate in this state without the required registration.

(2) Operate beyond the limitations or restrictions specified in its registration.

(3) Operate in this state without the required operating authority.

(c) A violation of subdivision (a) or subdivision (b) is an infraction punishable by a fine of one thousand dollars (\$1,000).

(d) A member of the Department of the California Highway Patrol may impound a vehicle operated in violation of subdivision (a) or subdivision (b) and its cargo, until the citation and all charges related to the impoundment are cleared. The impoundment charges are the responsibility of the vehicle's owner.

(e) (1) A motor carrier granted permanent operating authority pursuant to ~~Part 368 (commencing with Section 368.1) of Title 49 of the Code of Federal Regulations~~ subdivision (a) shall not operate a vehicle on a highway, unless the vehicle is inspected by a Commercial Vehicle Safety Alliance-certified inspector every three months and displays a current safety inspection decal attesting to the successful completion of those inspections for at least three years after receiving permanent operating authority.

(2) Paragraph (1) does not apply to a motor carrier granted authority to operate solely in a commercial zone on the United States-Mexico International Border.

(f) As used in this section "limitations" or "restrictions" include definitions of "commercial zones," "municipality," "contiguous municipalities," "unincorporated area," and "terminal areas," in Part 372 (commencing with Section 372.101) of Title 49 of the Code of Federal Regulations.

SEC. 19. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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